

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLEO GILES,

Petitioner,

Case Number: 03-CV-74073

v.

HONORABLE ARTHUR J. TARNOW

HUGH WOLFENBARGER,

Respondent.

OPINION AND ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Cleo Giles filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his convictions for first-degree felony murder, assault with intent to rob while armed, and felony firearm. On January 24, 2006, the Court issued an Opinion and Order conditionally granting the petition on the ground that Petitioner was denied his Sixth Amendment right to the effective assistance of counsel. Respondent appealed the Court's decision to the United States Court of Appeals for the Sixth Circuit.

On June 26, 2007, the Court of Appeals issued an opinion reversing this Court's decision granting habeas relief, and remanding the case to this Court with directions to dismiss the petition. *Giles v. Wolfenbarger*, No. 06-1346, 239 F. App'x 145 (6th Cir. 2004). The mandate from the Sixth Circuit was issued on October 26, 2007. On January 2, 2008, the United States Supreme Court granted Petitioner's request for an extension of time within which to file a petition for a writ of certiorari. On March 7, 2008, Petitioner filed a petition for a writ of certiorari in the Supreme Court. On May 16, 2008, the Supreme Court denied the petition for a writ of certiorari. *Giles v. Wolfenbarger*, No. 07-9802 (May 16, 2008).

Therefore, in accordance with the order of remand issued by the Court of Appeals for the Sixth Circuit on June 26, 2007, the petition for a writ of habeas corpus is **DISMISSED**.

SO ORDERED.

S/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: September 17, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 17, 2008, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Secretary